

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, February 21, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRP Chief Yost. Also present: Eli Winett, Herb Shannon, Jesse Shannon, Steven Shannon, Steve Shannon, Don Brominski, Gale Hall, Allison Dennison, Tim Egger, John Raymond, Brad Aurand, Larry Four, Tony Marino, Robert Lack, Fred Martin, Kyle Bray, Jordi Comas, Suzanne and Paul McGuire, Jesse Wise, Elizabeth Seneca, George Mitchel and Matt Farand.

CALL TO ORDER: Council President Bergonia called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Morris, seconded by Councilmember Frederick, to approve the minutes of the January 17, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Manager Lowthert indicated this public participation is for any topic not covered on the Council agenda this evening. There were no members of the public that wished to speak.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report.

Manager Lowthert indicated that item b has to do with a request from UGI to install natural gas service on St. Paul Street from North Fifteenth Street west to the end of the Borough crossing Fairground Road. We met with UGI over the last several months to discuss the details of this project as well as staff's concerns. This project is associated with a specific UGI Program called Municipal GET Gas. As you know, residents of St. Paul Street west of Fairground Road have been asking the Borough to pave this street for many years and the Borough planned on paving this street this spring. The GET Gas Program proposed by UGI will delay the paving of St. Paul Street until at least the spring of 2018, if not later. In addition, Staff has concerns that since St. Paul Street between Fairground and North Fifteenth Streets is in pretty good shape and it may be several years before the Borough can pave, the residents may be faced with a very bumpy road similar to North Third and North Fourth Streets. UGI has indicated they will be using a different method, a core bore, vacuum, flowable fill process that should alleviate the *extremely* bumpy road situation. UGI, the Borough engineer and our street foreman all agree this method should be a better solution, but you may still have that bumpy road.

Don Brominski, Director of Business Development for UGI, explained how UGI has historically looked at providing gas service when someone asks for it and how expensive it can end up being. This is the reason UGI designed the GET Gas Program; UGI is willing to take the risk that over a twelve year period of time we will be able to get enough customers that the first customer doesn't have to pay a large contribution to enable construction. UGI then attempts to get additional customers along the route over time. There are requirements that must be met for this to happen, as approved by the Pennsylvania Utility Commission (PUC) in UGI's tariff. UGI has to assume they will get greater than 50% of the market share, and the cost to serve the customers has to be less than \$10,000.00 per customer. Therefore, UGI must work with the Borough to make sure costs are not excessive, specifically the restoration costs, because UGI is taking a risk that these customers will, over the next twelve years, hook up. UGI has to know, in advance, that in the future we can hook up these customers economically. Manager Lowthert said the next item, item c, is discussion of UGI's request for the Borough to adopt the Municipal GET Gas resolution. This resolution would allow UGI to know that whatever the costs were set to be for this project, the Borough would honor them for the time set in this resolution. He explained that UGI was already told that the Borough cannot wait ten years to pave St. Paul Street west of Fairground Road and that we would give them a year to get as many customers as possible on the north side of St. Paul Street, but once they do that, degradation fees would come into play. Mr. Brominski said he just saw the resolution proposed and UGI cannot agree to install a GET Gas Program with the conditions noted. Manager Lowthert said if UGI is asking the Borough to delay the paving of St. Paul Street for twelve years, St. Paul Street will be a gravel road by the time we get to it. That means if this project is going to happen, the Borough will have to be willing for UGI to trench this road. Mr. Brominski said that is correct and that is why UGI offered the flowable fill process, which is more expensive and a better repair process. It is in the best interest of both the Borough and UGI to get as many customers as possible. UGI is estimating that over a twelve year period we are going to get a majority of the customers for one reason or another, and we want to be sure the rules the Borough puts forth between Fifteenth Street and Fairground Road apply to the last block. Manager Lowthert said although he doesn't like the idea of St. Paul Street being cut and patched between North Fifteenth Street and Fairground Road because it is a newer road and it is in decent shape, this seems to be a benefit to the residents of St. Paul Street. Also UGI already agreed not to put their main in the Borough street, but in the grassy area south of St. Paul Street. Now, west of Fairground Road, consideration must be given on whether Council will agree for UGI to be able to cut at their will over the next twelve years. The estimate for St. Paul Street is about \$100,000.00 from Fairground Road to the end of the street and conceivably UGI could cut it each year up to twelve years from now. Mr. Brominski said the potential of cuts will be for the eight homes on the other side and we would try trenchless technology, but there will still have to be spotting holes and that's where the core bore technology comes into play. Manager Lowthert said he now suggests pushing back the paving of St. Paul Street west of Fairground Road as long as possible. He

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PUBLIC WORKS/POLICE COMMITTEE

UGI'S GAS PROJECT INSTALLATION

DON BROMINSKI

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received several calls from residents. One resident east of Fairground Road indicated they would be ok with the holes in the street, even if it was bumpy. Two residents west of Fairground Road indicated they would be ok with the delayed paving of the road if they could have natural gas service. Mr. Brominski said this project started as a result of requests from residents. Ms. Hall, from UGI, said there are seven residents that have indicated they would sign up right away. Mr. Brominski explained there are fifty-one homes along this route, and we anticipate getting thirty or thirty-one over the twelve year period. Manager Lowthert said there are nineteen homes on the east side of Fairground Road and nine on the west side of Fairground Road on the north side. He asked if there are any St. Paul Street residents here tonight that would like to speak. Jesse Wise of 914 St. Paul Street said he is on the east side of Fairground Road and would add his name to the list for gas service. It's the whole environmental approach that he is interested in and people will be leaving his neighborhood, one way or another, so maybe the new people coming in will have an interest. Mr. Brominski said there is no question that home values increase when you have gas. Elizabeth Seneca of St. Paul Street said she moved in last year, is on the east side of Fairground Road, and is pro-gas for economic and environmental reasons. Suzanne McGuire said she is also on the east side of Fairground Road, agrees gas is better for the environment, and will not have issues with a bumpy street. George Mitchel of 953 St. Paul Street stated he is all for the gas program. Manager Lowthert said UGI needs to know if Council is conceptually ok with this project and wants to be sure Council realizes there will be cuts in St. Paul Street. Councilmember Morris said it is obvious our citizens support having gas service. Mr. Brominski stressed if there is a problem with any of the trenches, UGI will state that they will be responsible for these trenches for a five year period, which is much longer than normal; this is UGI's way of saying thank you for working with us. Manager Lowthert said he has not heard any negative comments. The next topic is the resolution, and clearly UGI has stated the resolution is not acceptable for St. Paul Street west of Fairground Road, but everything else in the resolution is acceptable. The Borough and UGI needs to discuss further and come to an agreement on the acceptable language of this resolution and this resolution will be back before Council next month. Now, with regard to St. Paul Street west of Fairground Road, Council needs to decide if the Borough is willing to pave it in 2018/2019 with the understanding it will be cut, or are we willing to push the paving back on that street as long as possible. Councilmember Mahon said if some of those people want gas, there may not be a problem with waiting to pave. There was **much** discussion about possible solutions. Mr. Brominski stated UGI will not agree to paying degradation fees for this project. He clarified that UGI would still want to do the other portion of St. Paul Street, but would stop at Fairground Road. Manager Lowthert asked Council what they would like to do. Councilmember Derman suggested the Borough keep the St. Paul Street paving schedule for 2018/2019 and then review things at that time. Manager Lowthert summarized if we leave the bullet point in the resolution that reads, "Once paved, all normal street excavations fees and degradation fees apply to this section of St. Paul Street," then UGI will end the project at Fairground Road and the seventeen homes west of Fairground Road will not get gas. If we remove that bullet, and then UGI comes in and cuts the street, all the Borough can collect is the standard street excavation fee and there will be no degradation fees involved. He suggested a vote to eliminate that bullet from the resolution and that this resolution be forwarded to our Solicitor for preparation for adoption at the March meeting.

Councilmember Derman made a motion, seconded by Councilmember Cox, to have our Solicitor prepare the Get Gas Program resolution for adoption at the March meeting, with the removal of the language, "Once paved, all normal street excavation fees and degradation fees apply to this section of St. Paul Street." Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Morris, to approve the design and bid document preparation, as well as authorize the advertisement for bid, of the Borough's 2017 Streets Project consisting of the following streets: St. Anthony Street from the Borough Boundary to St. Lawrence Street; Ikeler Street between Route 15 and Maclay Avenue; Beck Street between North Fourth Street and North Third Street; Cherry Alley from North Sixth Street to Linn Alley and portions of Linn Alley; Cherry Alley from North Fifth Street to North Fourth Street; White Pine Alley from South Seventh Street to South Sixth Street including Ludwig; White Pine Alley from South Fourth Street to South Third Street; Green and Smith Alleys from North Seventh Street to Cherry Alley; St. Lawrence Street from St. Paul Street to St. Mary Street; Peartree Alley from White Pine Alley to St. Louis Street; White Pine Alley from South Second Street to South Front Street; Cherry Alley from North Second Street to North Front Street. (Note: St. Paul Street west of Fairground Road has been removed from the list based upon the above discussion.) Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to approve Larson Design Group's Confirmation of Assignment to provide professional survey and engineering services for the Borough's 2017 Streets Project in the amount of \$44,750.00. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Cox, to approve Strosser Architecture & Conservation, Inc. proposal for Borough Building Renovations per proposal dated February 15, 2017 at a total cost of \$7,500.00 (Proposal reflects four steps: 1) design development \$1,500.00; 2) construction documents \$4,000.00; 3) bidding/negotiations \$500.00; 4) construction administration \$1,500.00.). Motion was unanimously approved.

GET GAS PROGRAM RESOLUTION TO BE PRESENTED AT MARCH MEETING

AUTHORIZATION OF DESIGN/BID DOCUMENT PREPARATION AND ADVERTISEMENT OF BIDS FOR 2017 STREETS PROJECT

LDG COA FOR ENGINEERING SERVICES FOR 2017 STREETS PROJECT

STROSSER ARCHITECTURE PROPOSAL FOR BOROUGH BUILDING RENOVATIONS

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Councilmember Mahon made a motion, seconded by Councilmember Frederick, to approve Larson Design Group's Confirmation of Assignment to provide professional engineering services to the Borough for Bucknell University's Steam Line Project in the amount of \$2,850.00. (Bucknell University agreed to reimburse the Borough for this expense). Motion was unanimously approved.

Manager Lowthert pointed out that he isn't going to sign this proposal yet, as we are still talking with Bucknell University with regard to the installation of their new steam line on the South Seventh Street Bridge abutment over Miller Run. Before the Borough would even consider granting this approval, the full set of construction plans for this project would have to be reviewed by the Borough engineer and the street foreman. Also, a permit must be submitted to DEP for the stream crossing and that is something that needs to be in the Borough's name. Bucknell University has indicated they are willing to pay the cost to have our Borough engineer prepare and submit this permit to DEP. He indicated he will keep Council informed on this project.

Manager Lowthert indicated that Steve Shannon Tire purchased the old CVS building and will be turning it into an auto service station. The exterior façade improvements they would like to make will encroach on the Borough's right-of-way by four inches, because the Ikeler Street right-of-way is a 50 foot right-of-way and is actually an inch and a half away from their building. They are seeking Council's permission to do this work.

Larry Four, an architect with Four and Associates, said he is working with Steve Shannon on the renovation plans for that building. He shared pictures and drawings of what is being proposed, indicating Mr. Shannon wants to carry his building design theme here in Lewisburg. There was **much** discussion. It was the sense of Council that there is no issue with this small encroachment into the Borough's right-of-way and they were pleased with the building design. Manager Lowthert suggested Mr. Shannon's attorney prepare an easement right-of-way agreement for review by the Borough Solicitor, and then after his review, it will be forwarded to Council for review and approval. Brad Aurand, the Borough's engineer, indicated the Borough obviously has no jurisdiction with regard to the Route 15 and Route 192 access, but PennDOT does, so he suggested PennDOT be contacted to avoid any issues that this proposed change in use will impact traffic enough for PennDOT to care.

Manager Lowthert reported that PennDOT has notified the Borough it is time for the required bridge inspections and proposals for this work will be submitted in the near future by Larson Design Group.

Manager Lowthert indicated the Stream Bank Restoration Project at St. Mary Park will soon be underway. The Borough budgeted \$20,000.00 for this project between Fairground Road and North Fifteenth Street. The groups involved with this project are the Department of Environmental Resources, the Game Commission, and the Union County Conservation District, and they all have been working with local municipalities to restore the Bull Run/Limestone Run corridor. At the April work session a presentation will be given on the details of this project, and all neighbors will be invited to attend.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Derman, to approve HARB items a and b, as submitted and recommended by HARB. Motion was unanimously approved.

a. First Baptist Church (Alan Barrick)/45 South Third Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of a wooden fence as described in the project description of the HARB application, said fence to be painted and/or stained within one year. Motion was unanimously approved.

b. JPF and LLF Enterprises, LP (John-Liz Furia)/30 North Fourth Street/Addition. An application was submitted to and reviewed by HARB for an addition. Motion was made by Kim Walter, seconded by Mary Mastascusa, to recommend approval of an addition, as described in detail in the project description of the HARB application and as shown on the drawing attached to the application. Motion was approved, with one abstention. Ted Strosser abstained from voting.

Courtesy Review: None.

Project Updates: None.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve the second amendment to the Lewisburg Community Garden Management Agreement, an extension of this agreement for an additional five years, specifically from April 01, 2017 to March 31, 2022. Motion was unanimously approved.

Kyle Bray shared many 2015 and 2016 statistics with Council, showing just how successful the community garden has been and how it continues to grow. He thanked Council for a great partnership.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve the use of the Lewisburg three globe light standard on various craft items created by Jackie Mast and Darlene Holtzapple, per the many photographs provided. Motion was unanimously approved.

Councilmember Morris reported the sign sub-committee continues to move forward. There is a Planning Commission vacancy with a term expiration date of December 31, 2017. There are two HARB vacancies, one with a term expiration of December 31, 2017 and the other with a

LDG COA FOR
ENGINEERING
SERVICES FOR BU
STEAM LINE
PROJECT

BU NEW STEAM
LINE ON SOUTH
SEVENTH STREET
BRIDGE

SHANNON TIRE
MOVING INTO
FORMER CVS
BUILDING
REQUESTING
PERMISSION TO
ENCROACH ON
BOROUGH'S ROW
FOR IKELER
STREET

BOROUGH BRIDGE
INSPECTIONS DUE

STREAM BANK
RESTORATION
PROJECT AT ST
MARY PARK

**COMMUNITY
DEVELOPMENT/
PLANNING
COMMITTEE
HARB
FIRST BAPTIST
CHURCH**

JPF AND LLF
ENTERPRISES

COMMUNITY
GARDEN
MANAGEMENT
AGREEMENT
EXTENDED FOR
FIVE YEARS

USE OF BOROUGH
LIGHT STANDARD
BY J MAST AND D
HOLTZAPPLE
APPROVED

GENERAL
UPDATES

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term expiration of December 31, 2018. Manager Lowthert indicated both HARB positions are at-large, so you must be a Borough resident and a property owner with an interest in historic preservation. He commented we could have the HARB position filled should the newly appointed Councilmember have an interest to serve on HARB. We also received a suggestion from the CK-COG for the appointment of Alternates to serve on the Zoning Hearing Board. The ZHB is a three member board and it is imperative that all members be in attendance; several times there have been issues with all members being able to attend. Councilmember Morris pointed out revisions to the Subdivision and Land Development Ordinance (SALDO) are just about complete and hopefully the Borough engineer will receive a copy for his review soon.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Mahon, to approve the payment of bills from January 14, 2017 through February 17, 2017, in the amount of \$294,233.47. Motion was unanimously approved.

Manager Lowthert said next on the agenda is item b, a recommendation dealing with electronic recycling. There are more electronic items coming into the Recycling Center, particularly as other communities are beginning to shut down their electronic recycling programs. Electronic recycling is not proving to be cash positive for municipalities. We are currently paying for the removal of electronics, as well as the staff time necessary to arrange the electronics for removal. Most municipalities that continue to take electronics are charging a fee to cover their costs. If Council wants to continue to take electronics, item b is the recommendation from the Administrative/Finance Committee meeting. There are still discussions underway with regard to the actual collection of these fees. We could have our office staff collect these fees and issue permits. However, anyway we decide to do this, there will be growing pains. There was **very much** discussion.

Manager Lowthert said he is getting ahead of Council, but next on the agenda, item c, is a recommendation that would allow the Borough to get control of the Borough's brush pile. We all know that non-Borough residents are using it. The only way to get control is to station someone there to take fees from non-residents and to check the identification of Borough residents. If we have a property owner who is not a resident, we tell them to come to the Borough Office to get a receipt indicating they have permission to use the brush pile and the exact property address. If you have a lawn service company performing work for a property owner, the property owner comes in and gets a receipt, which they give to the lawn service company for presentation at the brush pile, which would have to be for each service and/or drop off. It should always be free to the Borough's residents. Whatever we collect is a cost plus for the Borough. Councilmember Cox said to do this we will end up having to hire another person. Manager Lowthert said we have one public works person eligible to retire in 2018 and we will likely lose that person. The year after that he believes another public works person is eligible to retire, so we will likely lose another person. If you look at the next five years, there are six employees in this Borough that are eligible for retirement, which means there will be a huge turnover, loss of corporate memory, and loss of job experience/skills. Since we know this and can pay a portion of a new person's expense from refuse, we should bring in a full time person, have them work all day Wednesday and all day Saturday at the brush pile and/or recycling center and then the other hours they could be trained for the other duties and responsibilities necessary to be a public works employee. He would see this new position as a Tuesday through Saturday full time position. He realizes this is a cost to the Borough and is an unbudgeted expense, but this is good long term planning. Again, there was **much** discussion.

Manager Lowthert said we need to come back to item b; Council needs to decide if you want to continue with electronic recycling. It was the sense of Council this is a service and they do not want to discontinue this service. Manager Lowthert said he likes the idea of electronic drop-offs only occurring with a receipt issued by the Borough office. It will take some time for people to get used to this, but we will be putting up appropriate signage, issuing press releases, putting this in the Borough Enlightener, etc. to make sure people are aware of this change.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct the Solicitor to create an appropriate recycling fee schedule resolution which would allow the Borough to charge electronic collection fees as follows: Borough residents = \$5.00 for televisions and monitors; non-Borough residents = \$10.00 for televisions and monitors; and Borough residents and non-Borough residents = \$2.00 for other small electronic items. Motion was unanimously approved.

Manager Lowthert said back to item c; Council needs to decide what they would like to do for the brush pile. Solicitor Lyons said he cannot prepare a fee resolution for this as there is no basis for it. There is no present ordinance that allows it, and he doesn't feel the discussions tonight clearly demonstrate what Council wants. Manager Lowthert asked if the Borough has a legal right to deny non-Borough residents the use of the brush pile. Solicitor Lyons said it doesn't apply to non-residents, it states it is for residential use. Manager Lowthert said we could have the Police cite every non-Borough resident using the brush pile. Solicitor Lyons said no, there is no basis for that. Manager Lowthert said since this is happening, non-Borough residents dropping off brush at our brush pile, what is the best way for our Borough to control this illegal dumping at the brush pile. Solicitor Lyons said it is not illegal. If you want to do this you will have to create an ordinance or amend the refuse ordinance to address this specifically as there is currently no provision. Council President Bergonia directed the Manager to take this back to the Public Works/Police Committee for more discussion.

**ADMINISTRATIVE/
FINANCE
COMMITTEE
PAYMENT OF BILLS**

**ELECTRONIC
RECYCLING
DISCUSSION**

**BRUSH PILE
DISCUSSION**

**SOLICITOR
DIRECTED TO
PREPARE
ELECTRONIC
RECYCLING FEE
SCHEDULE
RESOLUTION**

**BRUSH PILE ISSUES
TO BE REVIEWED
BY PUBLIC
WORKS/POLICE
COMMITTEE**

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Manager Lowthert indicated that item d, an idea that the Borough give the neighboring townships the opportunity to opt into using the Borough's brush pile, and item e, addressing the hiring of an additional staff member, are both irrelevant at this point in time.

Manager Lowthert said it is contract negotiation time for both union and management agreements and staff needs direction from Council on how they want to be represented. He said he would like to be on the Negotiation Committee for the union contract, and feels there should be at least two Councilmembers on it as well. Council President Bergonia said he agrees that the Manager should serve and he would be willing to represent Council. Councilmember Cox indicated he would also be willing to represent Council.

MAYOR: Mayor Wagner indicated everyone received a draft resolution in support of the Borough's military and veteran caregivers to look over and decide if there is an interest in adopting this. Manager Lowthert indicated this will be on the Community Development/Planning Committee for review. Mayor Wagner reminded Council there is a Flood Task Force meeting tomorrow morning in preparation for our public flood meeting to be held on the 28th at William Cameron's community room hosted by Samantha Pearson. There will be much information shared and she encouraged everyone to attend this worthwhile meeting.

COUNCIL PRESIDENT: Manager Lowthert said there are four candidates, Jodi Comas, Robert Lack, Anthony Marino and Fred Martin, interested in the Ward II Council position that was vacated by Robert Cook; the term expiration is December 31, 2017. The requirements for this position are: 1) the individual must be registered to vote; 2) the individual must have resided in the Borough for at least one year immediately prior to the officer's election; and 3) the individual that is appointed to this position, should they wish to continue on Council after the term expiration, would have to contact the Union County Elections/Voter Registration office to acquire and file the necessary paperwork. The deadline for this filing is March . For those that are not appointed this evening, there are other opportunities for you to serve on various boards and commissions; openings were noted previously in this meeting.

Jodi Comas, 117 South Front Street, provided a letter of interest, along with a resume, to all members of Council, and addressed the contents of same. Councilmember Derman asked, "What do you feel are two strengths and two challenges of this Borough?" Mr. Comas said for strengths, we inherited a dense core that enables a very walkable/livable community and the other is a really active set of organizations, like the garden club, art council, etc. that anchor the retail opportunities here. For challenges, the population of Lewisburg has grown beyond the boundaries of this Borough and there are all these gears now that are not meshing together for whatever reason and that needs work. The other challenge is to make sure the downtown corridor is a vital and active place, retail and business friendly, so we have people coming into town.

Robert Lack, 29 South Second Street, provided a letter of interest to all members of Council, and addressed the contents of same. He indicated he has been here since 1980. He reported he read the Council minutes of this past year in an effort to see exactly what has been taking place, what the issues have been, etc. and because he knows some of the people involved and understands some of the issues, as a problem solver he felt that is a reason for him to step up and lend a hand in an official capacity. Councilmember Derman asked, "What do you feel are two strengths and two challenges of this Borough?" Mr. Lack said Lewisburg has a wonderful architectural cohesiveness to it with a great pattern of buildings. It is a pretty town and a great place to live. It has a reasonably viable retail/vendor/merchant activity on Market Street. Lewisburg is unique because it is small town America managing to survive, when many are not. He talks to many new families and it is not hard to see Lewisburg through their eyes; they see the charm, the sense of safety, the sense of opportunity, and it is a family oriented community with quality education. With regard to challenges, it seems like the issue is lack of money to be able do everything that Council wants to do and have it paid for. He reviewed the 2017 budget and sees what the Borough is up against. We need to get people to understand what it takes to run this Borough and provide the many assets that are here.

Anthony Marino, Brown Street, provided a letter of interest to all members of Council, and addressed the contents of same. He said he would like to be helpful to his community, as it is a very attractive and safe community. He commented that a nickel in a meter shouldn't hurt anyone's budget. He would like to see this community continue to thrive. Councilmember Derman asked, "What do you feel are two strengths and two challenges of this Borough?" Mr. Marino said strengths would be Lewisburg's reputation and beauty, as well as the river and the university. He said the challenge will be to try to keep this town the way it is and still meet the challenges of the century.

Fred Martin, 35 Market Street, provided a letter of interest, along with a resume, to all members of Council and addressed the contents of same. Mr. Martin said this has been a long meeting and he never got paid by the word and will not speak too much tonight. He has Mr. Lack beat by two years, as he has been here since 1978. However, that shouldn't count, as sometimes fresh ideas are good. He already knows many people here. He did civil defense work and is sensitive to litigation, always looking to see what looks good and what doesn't he will nip in the bud early on. Your Borough Solicitor analyses things much the same way he does, i.e. what are the issues and how will we deal with them; if chosen, you will have another legal mind. He could not do this when working, his family situation has changed and he can do this now. He has a lot of life experience, is open minded, and although we all have biases, he feels he can fairly consider things for the betterment of this community.

**NEGOTIATION
COMMITTEE
MEMBERS
ESTABLISHED**

MAYOR

**COUNCIL
PRESIDENT**

**CANDIDATES FOR
WARD II COUNCIL
POSITION**

JORDI COMAS

ROBERT LACK

ANTHONY MARINO

FRED MARTIN

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Councilmember Derman asked, "What do you feel are two strengths and two challenges of this Borough?" Mr. Martin said for strengths, location/location/location; we are three hours from New York, three hours from Philadelphia and three hours from Washington DC. Also, of course, there is Bucknell University, the Susquehanna River, and a downtown that is the envy of the three or four counties around us. He can't forget the people we have here and the events, the Arts Festival in April and the Fourth of July parade in June. As for drawbacks, he would say one is communication. He is very thankful for the Enlightener, as that is how he found out about this Council position, and he simply would like to see more communication everywhere. He said change is always going to be a problem, he never thought the CVS would leave downtown, or that Bucknell would take over his former office, but we must go with the changes and meet them head on.

Manager Lowthert said the next step is nominations. Once nominations are made, a vote will be taken. Once a majority vote is reached, that will be the person to fill the vacancy. After nominations, a resolution of appointment will need to be voted upon.

Council President Bergonia indicated he would now accept nominations for the position of Ward II Councilmember.

Councilmember Morris nominated Robert Lack.

Councilmember Derman nominated Fred Martin.

Council President Bergonia indicated he would now close nominations.

Council President Bergonia asked those in favor of Robert Lack to vote at this time.

Robert Lack: Mahon, Frederick and Morris

There were three votes for Robert Lack; not a majority vote of Council.

Council President Bergonia asked those in favor of Fred Martin to vote at this time.

Fred Martin: Cox, Yohn, Derman and Bergonia

There were four votes for Fred Martin; a majority vote of Council. Fred Martin becomes the new Ward II Councilmember with four votes.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to adopt Resolution No. 17-02, a resolution appointing Fred Martin to fill the vacancy which currently exists in the Ward II Councilmember office as a result of the resignation of Robert Cook. Motion was unanimously approved.

At this time Mayor Wagner administered the Oath of Office to Frederick E. Martin, representing Ward II, who will be filling an unexpired term with a term expiration of December 31, 2017. Mayor Wagner and Council congratulated the newly appointed Councilmember.

Council President Bergonia indicated Councilmember Martin will serve on the Community Development/Planning Committee of Council and would be considered for appointment to the Historic Architectural Review Board (HARB).

MANAGER: Manager Lowthert reported a subcommittee of Council met with two elected officials and the Manager of East Buffalo Township (EBT) to discuss BVRPD Intergovernmental Agreement (IGA). The second meeting was cancelled to allow Council to be informed of the discussions that occurred. It was very clear that EBT's primary concern is the cost of the service. They are insistent on a 50/50 split, and everything else is secondary to that issue. The history of PPU's provided to EBT and the Borough were discussed; consistently over the last five years, EBT's PPU usage ranged between 51 and 54%, and in January of this year EBT used 57% of the PPU's. Although EBT consistently uses more PPU's, they only want to pay for 50%. Our subcommittee is not going to be able to resolve this issue. He stated that at the recent Police Commission meeting there was a 3 to 2 vote to change how the Police billings are done. The Police Commission instructed staff to total up the expenses for a given month and at the end, bill each municipality their share of those costs. Technically that is a violation of Article XI of the IGA under Finance, as that article clearly states municipalities are to contribute quarterly in February, May, August and November. Technically that article was previously violated, because at some point a decision was made to not bill that way because municipalities do not start receiving their tax revenues until late February or early March. Now, how they bill is really irrelevant to him, as Borough Manager; in fact, billing at the end of the month is probably better than paying ahead like we have been. Article V, talks about how costs are appropriated, which also relates to Police Exhibit C, which is the 52/48 distribution. It is his understanding that the Police Commission directed staff to invoice EBT for 50% of the costs and Lewisburg Borough for 48% of the costs. This is a direct violation of the IGA which clearly states 52% of the costs are to come from EBT and 48% from Lewisburg Borough. He understands the Police staff didn't receive good direction on how to address the remaining 2%, so the Chief is planning to take it out of their cash reserve. He realizes the Chief is limited on how he can handle this, but the Police Commission did not have the authority to change the billing percentage and clearly they exceeded their authority. Councilmember Cox explained the remaining 2% that is coming out of the reserves contains money that the Borough has contributed. Manager Lowthert stressed he

NOMINATIONS FOR WARD II

ROBERT LACK

FRED MARTIN

NOMINATIONS CLOSED

ROBERT LACK RECEIVED THREE VOTES/NOT A MAJORITY OF COUNCIL

FRED MARTIN RECEIVED FOUR VOTES (A MAJORITY OF COUNCIL) AND WILL SERVE ON COUNCIL

(RESOLUTION NO. 17-02) APPOINTMENT OF FRED MARTIN TO FILL THE WARD II POSITION ON COUNCIL

MAYOR WAGNER ADMINISTERS OATH OF OFFICE TO FRED MARTIN

MANAGER UPDATE ON RECENT MEETING WITH EBT ON BVRPD IGA AND BVRPC ACTIONS

Tuesday, February 21, 2017

needs direction on how to proceed and indicated Council can go into an executive session to discuss the legal ramifications of this. It was the sense of Council that an executive session is needed.

SOLICITOR: No report.

OTHER COMMITTEES: Council President Bergonia indicated the BVRA had a fundraising GALA this past weekend; it was very well attended and was a success.

Councilmember Morris indicated Tere Rill, the LDP's new Executive Director is in her twelfth day and everyone is very happy to have her onboard.

Mayor Wagner reported the Town and Gown Committee is still not functional.

Mayor Wagner reported the LNC's Strategic Planning Committee is scheduled to meet this coming week.

Manager Lowthert reported he met with the Shade Tree Commission (STC) this past month and they will be conducting a fairly aggressive tree planting program this year. A member of the STC who works at Bucknell University (BU) is looking to get donations from some of the BU organizations up there. There are to be plantings in Hufnagle Park, so the STC will be before Council at some point with a request, and they are also looking at possible tree plantings in the Hunt Park area or along the streets.

Council President Bergonia reported the CK-COG continues with their work.

Council President Bergonia said work at the Community Garden is gearing up and it won't be long until you see activity there.

Councilmember Cox shared that the MACAC meeting is scheduled for next week. He reported that the anticipated money needed to fund the fire department in 2018 appears to be less than what was originally discussed. He will keep Council informed.

OLD BUSINESS: Councilmember Derman indicated he was in touch with Nick Frangione, producer, this past week and they just got an editor, so the premier should be this fall.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Mahon, to acknowledge receipt of the Budget Index, Parking Report, Code Enforcement Officer Report and Zoning Officer's report. Motion was unanimously approved.

WORK SESSION: Council President Bergonia said it looks like there will be a work sessions in March and in April; LNC's presentation for the Bull Run will be March and DEP and Union County Conservation's presentation on the streambank project will be April .

Council President Bergonia called for a ten minute recess at 9:50 PM.

Councilmember Morris made a motion, seconded by Councilmember Frederick, to hold an executive session on potential legal matters. Motion was unanimously approved.

Council entered executive session at 10:00 PM. Council returned at 10:25 PM.

There being no further business, Councilmember Derman made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 10:25 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

SOLICITOR

OTHER COMMITTEES
BVRA

LDP

TOWN AND GOWN

LNC

STC

CK-COG

COMMUNITY GARDEN

MACAC

OLD BUSINESS
UPDATE ON N
FRANGIONE'S MOVIE

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

POTENTIAL LEGAL MATTERS

(EXECUTIVE SESSION)

ADJOURNMENT